

DOC. 41
3/20/07

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8 Attorneys for Defendant

9 Aviation Services (CNMI), Ltd. dba Freedom Air

10 UNITED STATES DISTRICT COURT

11 FOR THE

12 NORTHERN MARIANA ISLANDS

13 MOSES T. FEJERAN and
14 QIANYAN S. FEJERAN,

15 Plaintiffs,

16 vs.

17 AVIATION SERVICES (CNMI), LTD.
18 dba FREEDOM AIR,

19 Defendant.

CIVIL ACTION NO. 05-0033

**DEFENDANT'S SECOND
SUPPLEMENTAL INITIAL
DISCLOSURES; CERTIFICATE
OF SERVICE**

20 Defendant Aviation Services (CNMI), Ltd. dba Freedom Air, by and through their
21 Attorney of record, David Ledger, submit the following second supplemental initial disclosures
22 statement pursuant to Fed. R. Civ. P. 26(a)(1) and LR 16.2CJ(d):

23 I. Persons likely to have Discoverable Information

24 [...]

25 4. Pio Jose Tuano, Pilot in Command.

26 5. Antonio Tuano, First Officer.

27 6. Niki Jung, Flight Attendant.

1
2 II. Listing, Description and Location of Documents, Data Compilations and Tangible
3 Things

4 [...]


5 6. SD3-60 Aircraft Training - Pre-Flight Inspection

6 V. Expert Testimony

7 Defendant has retained Applied Cognitive Sciences to provide expert consulting
8 services.
9

10 DATED: Hagåtña, Guam, March 20, 2007.

11 CARLSMITH BALL LLP

12 
13 DAVID LEDGER
14 Attorneys for Defendant
15 Aviation Services (CNMI), Ltd.
16 dba Freedom Air
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of March 2007, I will cause to be served, via hand delivery, a true and correct copy of DEFENDANT'S SECOND SUPPLEMENTAL INITIAL DISCLOSURES to the following Counsel of record.

David G. Banes, Esq.
O'Connor Berman Dotts & Banes
Second Floor, Nauru Building
Post Office Box 501969
Saipan, MP 96950

DATED: Hagåtña, Guam, March 20, 2007.


DAVID LEDGER

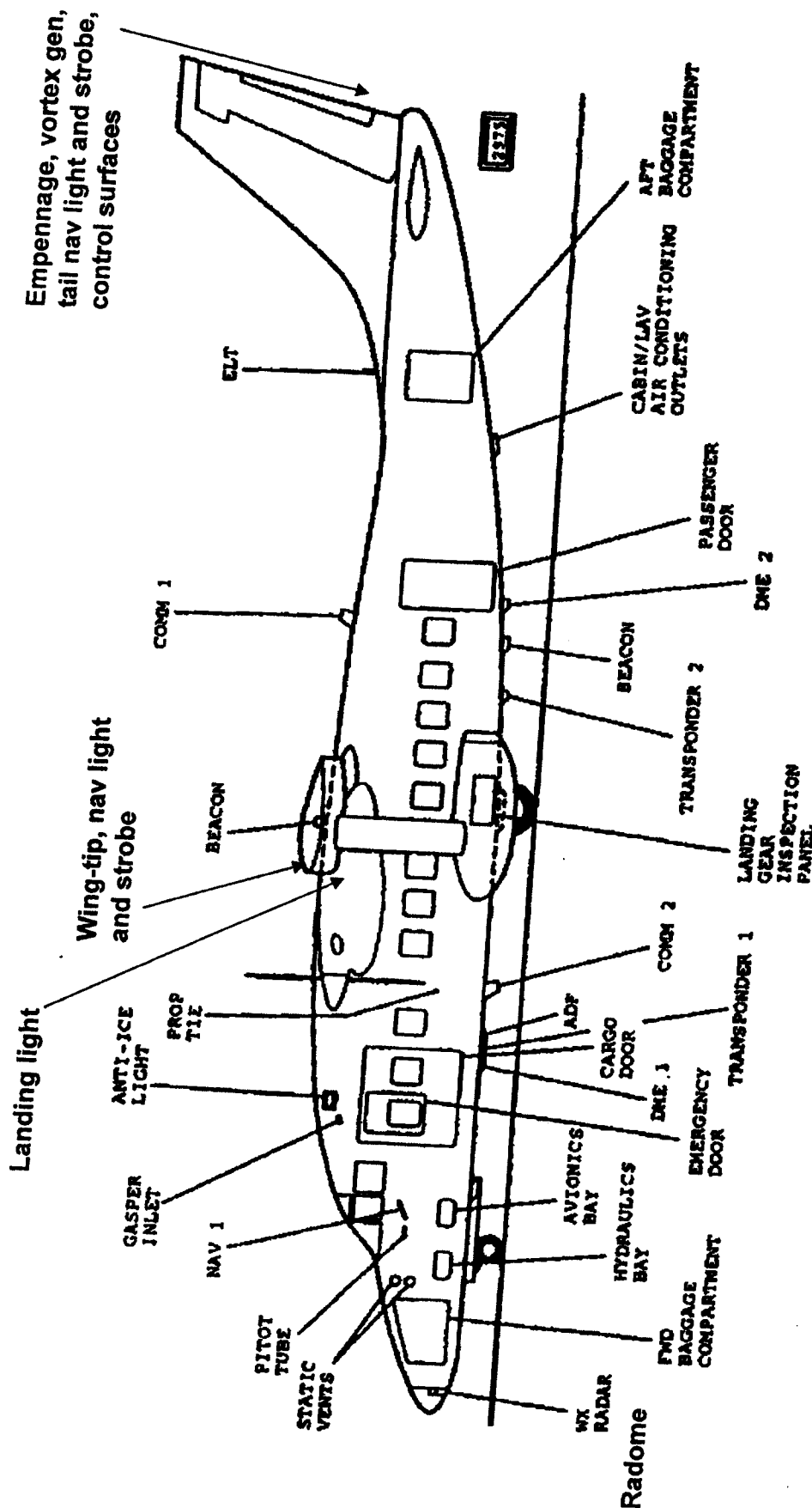
Freedom

Air ★★

**SD3-60 Aircraft Training –
Preflight Inspection**

00020

Preflight Items – Left Side

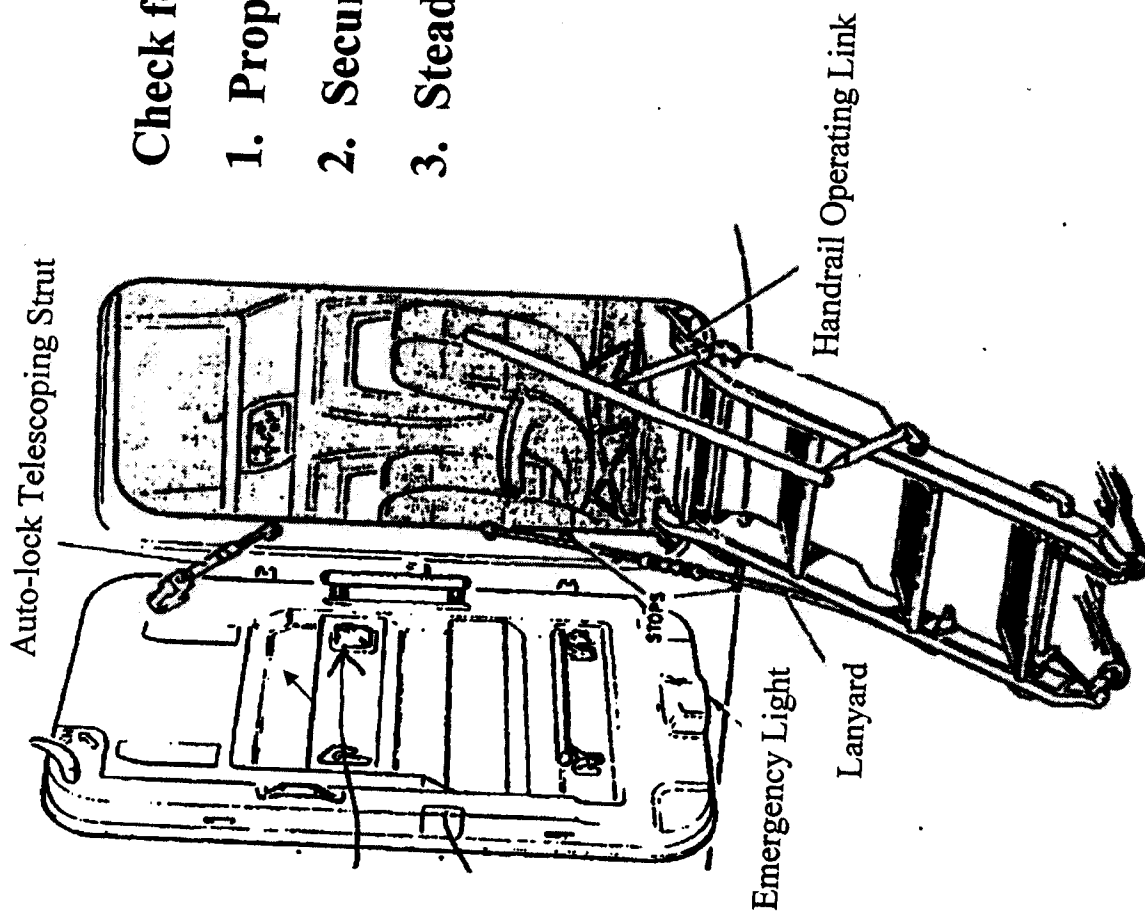


Start at the passenger door, and work counter-clockwise around the aircraft to beginning point. Check for security, function and damage in all areas

Airstair Door

Check for:

1. Proper operation
2. Security
3. Steadiness



00022

Preflight Items – Right Side

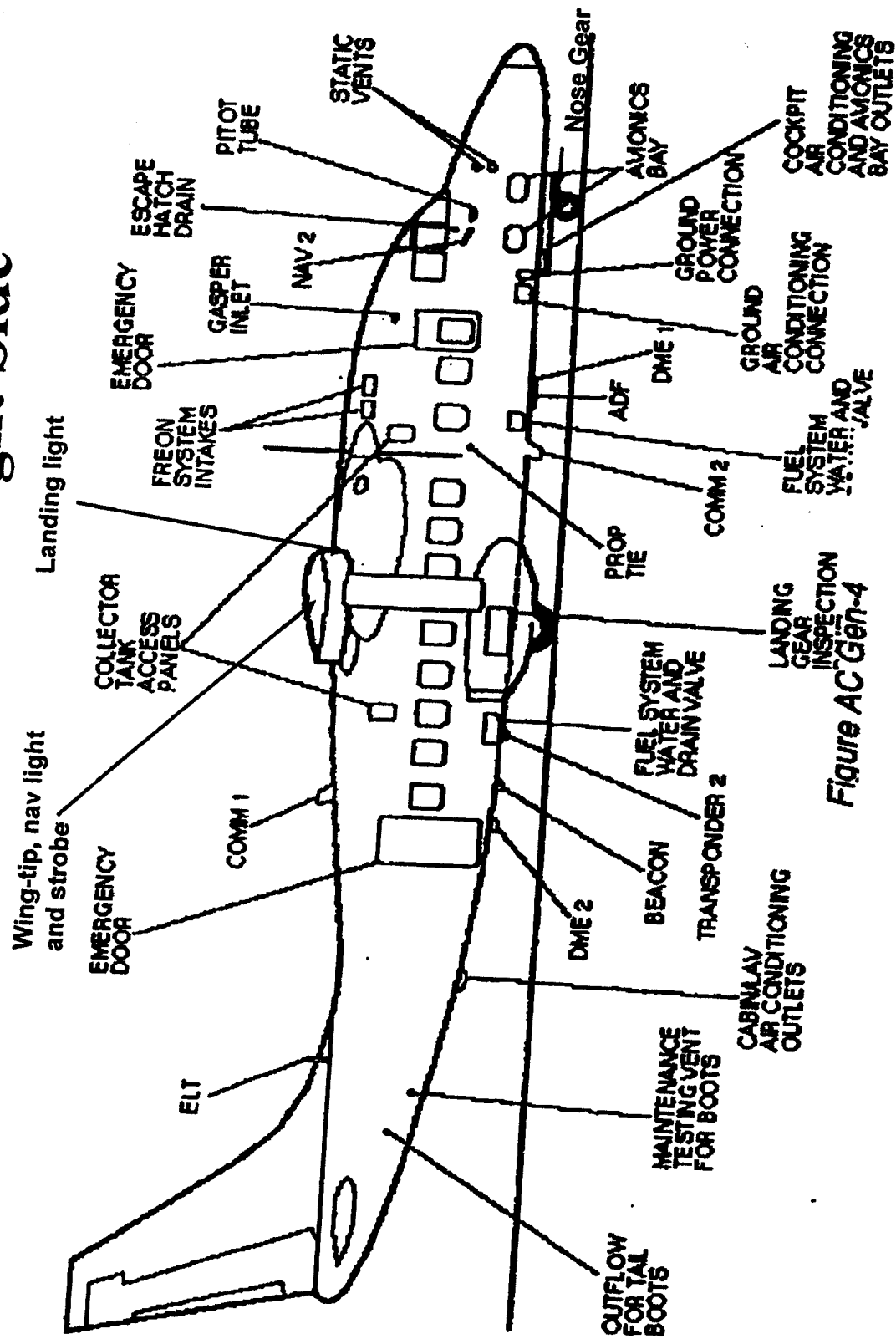
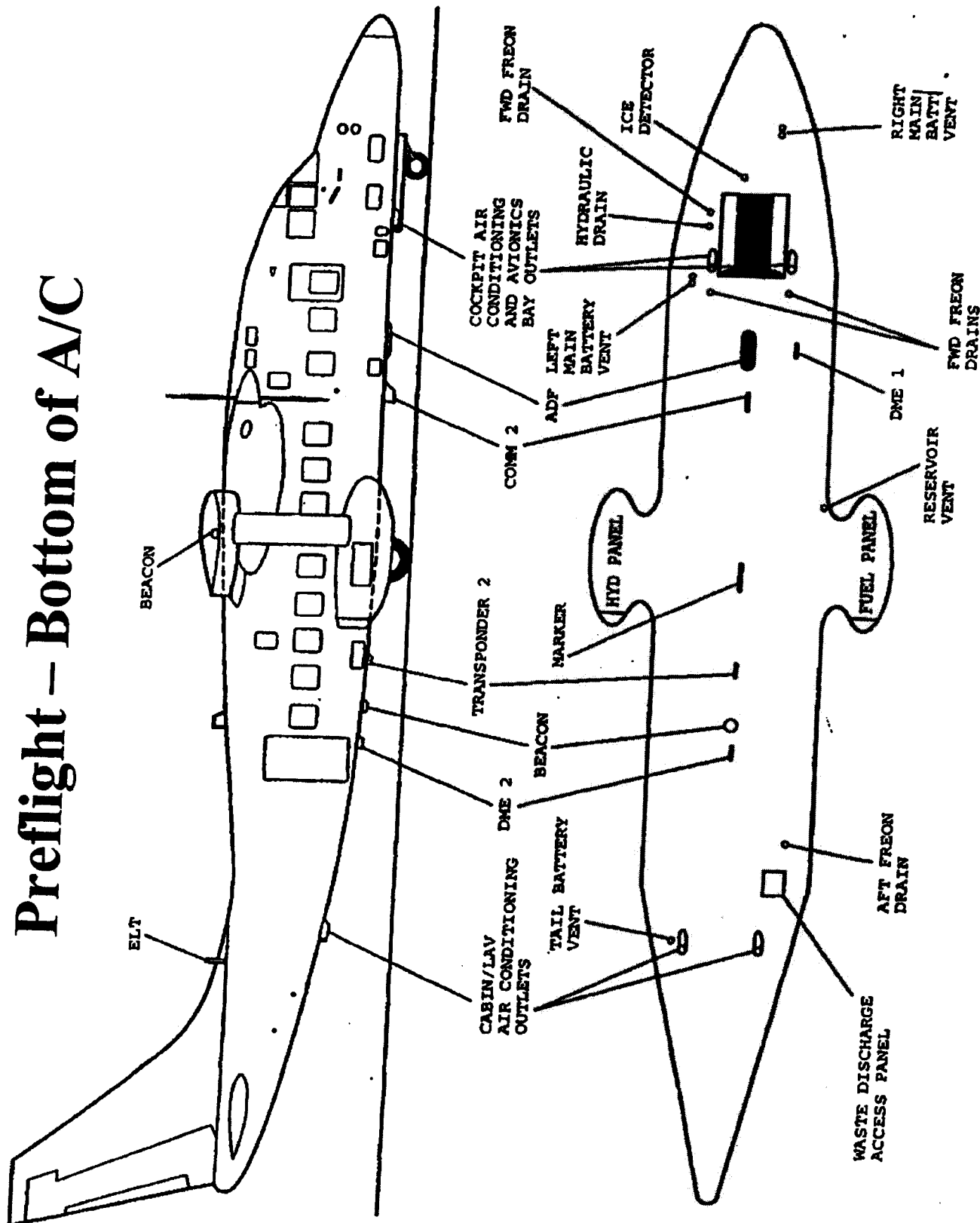


Figure AC Gen-4

Preflight - Bottom of A/C



Preflight – Walk-around

- In general, check for damage or items not secure, leaking, non-functional or improper indication.
- The passenger door and airstair is an item that is of great importance. It shall be checked both by flight crew and flight attendant, and any discrepancy immediately brought to the attention of maintenance.
- Check to see that gear pins have been removed and are placed in the holder in the forward baggage compartment.
- Check tire condition and inflation and brake indicator pins.
- Check windows for cracks and crazing.
- Check for fluid stains that may indicate leaks.

David P. Ledger

From: Freedom2 [freedom2@ite.net]
Sent: Monday, March 19, 2007 2:54 PM
To: David P. Ledger
Subject: RE: Moses Ferjeran v. Freedom Air

It would have been done in Guam prior to the first flight; the pilots would have done this. Additionally, maintenance personnel and the flight attendant would have inspected the door in that time frame. The flight attendant also, of the nature of the system, checks it at each door opening and closing. Any malfunction is reported to the Captain and then to maintenance for immediate action. If there is any malfunction, alternate procedures for passenger deplaning would be used.

I think they are fishing in the wrong ocean for this one.

Richard

From: David P. Ledger [mailto:dledger@carlsmith.com]
Sent: Monday, March 19, 2007 2:40 PM
To: Freedom2
Subject: RE: Moses Ferjeran v. Freedom Air

Richard - yes, this item is helpful. On the flight in question, where would this pre-flight inspection have been carried out ? and who would have done the inspection ? This is very important to know.

Many thanks.

From: Freedom2 [mailto:freedom2@ite.net]
Sent: Monday, March 19, 2007 2:34 PM
To: David P. Ledger
Subject: RE: Moses Ferjeran v. Freedom Air

David, I will be on the lookout for the document. In the meantime, can you use a handout-type printout of this attached training courseware?

Richard

From: David P. Ledger [mailto:dledger@carlsmith.com]
Sent: Monday, March 19, 2007 2:15 PM
To: Freedom2
Subject: RE: Moses Ferjeran v. Freedom Air

Richard: Thank s very much. I will send the written questions in WORD format so you can type answers directly on the document I send you.

Best regards,

David Ledger

From: Freedom2 [mailto:freedom2@ite.net]
Sent: Monday, March 19, 2007 10:42 AM
To: David P. Ledger
Subject: RE: Moses Ferjeran v. Freedom Air

3/19/2007

00026

David,

Page 2 of 2

Everything is getting set up on this end. Please advise with any other data that you have on the case or any other needs on your end.

Richard

From: David P. Ledger [mailto:dledger@carlsmith.com]
Sent: Monday, March 19, 2007 9:07 AM
To: Operations
Cc: June M.C. Borja
Subject: Moses Ferjeran v. Freedom Air
Importance: High

Dear Richard: This e-mail is to confirm our conversation earlier today regarding arrangements for three Freedom Air employees to travel from Rota to Saipan on March 22, 2007 for interviews regarding this incident.

The three individuals are Felicidad Boddy, Francisco Muna and Inas Suzuke. It is necessary to give the opposing attorneys access to these individuals because they submitted written statements regarding the incident and we will be relying on them as witnesses for our defense.

I will meet these individuals people at Saipan airport on Thursday morning March 22, 2007 at approximately 8:30 a.m., and take them back to the airport not later than 5:00 pm the same day. I will provide transportation with my rental car.

In preparation for the interviews on Thursday 3/22 they should review the written statements they submitted regarding the incident. I will be with them the entire time during the interviews so they need not worry about that.

Many thanks for your help.

David Ledger
Partner, Carlsmith Ball LLP (Guam, U.S.A.)
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Office fax: 671 477 4375
Mobile: 671 688 3352
dledger@carlsmith.com

CE: This message contains confidential and privileged information. If it has been sent to you in error, please reply to inform the sender of the error and then delete this message. Thank you.
